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CONFIDENTIAL

MEMORANDUM FOR THE RECORD

The attached staff paper on removal authorities, staff reductions and outplacement in the Military Department Intelligence Components was developed by [redacted] based on interviews and the data in the file which was provided by Al Ressler of the DCSINT Staff. The staff paper was reviewed and concurred in by the interviewee in terms of accuracy in reporting views expressed in the meetings.

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REMOVAL AUTHORITIES, STAFF REDUCTIONS, AND OUTPLACEMENT Military Department Intelligence Components

Removal Authority

The authority of the heads of the military departments to remove from service civilian employees of their respective departments is derived from their basic authority to appoint and from a delegation by the SECDEF of his authority under PL 99-569, Sec 1590. Under Sec 1590, a determination must be made that action to terminate is in the best interest of the U.S. and that procedures prescribed in other provisions of law cannot be invoked in a manner consistent with the national security. SECDEF is also authorized to remove under the provisions of 5 USC 7532, when in the interest of national security or the U.S., but this authority has rarely been used in the past.

Removals for cause or for unacceptable performance may be appealed to the MSPB by preference eligible employees and by non-preference eligibles who have career status. Others have no appeal rights outside of DoD. Removal for reasons of national security are not appealable beyond SECDEF.

Actual removals within the military services are rare, averaging not more than four or five per year for all three services. However, about an equal number resign when faced with proposed action to remove. Termination of employees within the one year trial period average about 15 per year, with about another 45 resigning in lieu of termination.

The military services are required to follow adverse action procedures as prescribed by OPM in FPM Chapter 752. Appeal rights are also as prescribed by OPM and other provisions of law. Each of the military services has its own set of regulations and procedures which implement these provisions and which are applicable to the intelligence arms of the respective services. Under the new Civilian Intelligence Personnel Management System (CIPMS), an attempt will be made to standardize these procedures for the three service intelligence activities.

General Staff Reductions

If faced with significant budgetary constraints or manpower reductions, the military services would implement such measures as not filling vacancies, cutting back or eliminating hiring, combining functions (thereby moving people off existing jobs), and centralizing missions and functions. They might also request

authority to offer early optional retirement, and, as a last resort, would implement a reduction in force (RIF).

Each of the military services is subject to OPM regulations regarding RIF procedures as outlined in FPM Chapter 351. Again, each service has published its own implementing regulations which are applicable to their respective intelligence activities. Under CIPMS, each service will continue to publish its own regulations as they pertain to the intelligence activities, but they will be common rules.

The military intelligence activities have no real experience with RIFs, save for an occasional job abolishment. However, when INSCOM moves its headquarters to Ft. Belvoir next summer, 175 support jobs at Arlington Hall Station will be eliminated. Early out authority will be requested and it is expected that most others who do not elect or are not eligible to retire will be placed somewhere. If not, a RIF will be necessary.

Outplacement

The military services do not have an outplacement program for terminated or removed employees. With respect to retirees, a retirement planning seminar is offered, but no outplacement help is provided. In instances of removals for security reasons, in accordance with DoD policy, a threat analysis is made as part of the removal process and the respective head of the intelligence service is involved in making a determination regarding disposition of the case. Termination or retention in a cleared or uncleared status could result.

Adequacy of Current Procedures

Adequate authorities are in place to allow the military service intelligence activities to deal effectively with removals of civilian employees. Existing procedures to handle removals, staff reductions and adverse actions may be modified somewhat under the new CIPMS program, but will be in accordance with authorities granted under PL 99-569 and will be consistent with the three military service components. Additional authorities for the SECDEF or the military components to "select out" are not required and are not sought.

Although the military intelligence activities do not have outplacement programs, consideration should be given by each to establish some kind of outplacement assistance for all separated civilian personnel, including retirees if they wish to participate.

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